

Notice of Allowability

Application No.

10/825,005

Examiner

Daniel I. Walsh

Applicant(s)

CHAPMAN ET AL.

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2-1-06.
2. ☒ The allowed claim(s) is/are 1,3,4,6-15,17,18,20,21 and 23-32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 1-06
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. Receipt is acknowledged of the Amendment and IDS received on 1 February and 12 January, respectively.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Tom Chen on 11 April 2006.

The application has been amended as follows:

Re claim 1, line 2: Replace "encoder coupled...RFID label based" with -- encoder receiving a signal and programming an RFID label based --.

Re claim 1, line 5: Replace "adapted to apply" with -- applying --.

Re claim 1, line 7: Replace "capable of sending" with -- sending --.

Re claim 1, line 10: Replace "is capable of extracting" with -- extracts --.

Re claim 3, line 1: Replace "capable of sending" with -- sending --.

Re claim 6, line 2: Replace "adapted to receive" with -- receiving --.

Re claim 12, line 2: Replace "adapted to receive" with -- receiving --.

Re claim 15: Delete "applying the RFID label onto an object;".

Re claim 15, last line of claim: Replace “programmed.” with -- programmed, wherein the information for determining whether the RFID label has been properly programmed is extracted from data streams of different programming languages. –

Re claim 22: Cancel claim 22

Re claim 27, line 4: Replace “can be” with -- is --.

Re claim 27, line 5: Replace “is capable of extracting” with -- extracts --.

Additional Remarks

3. The Examiner notes that Sano et al. (US 2005/0218219) teaches a label and RFID tag issuing apparatus where a production number to the RFID attached to a container and records on the label barcode data written to the RFID. However, Sato et al is silent to extracting different programming languages from the data stream.

The Examiner notes that Barrett et al., as cited by the Applicant (US 6,593,853) prints onto an RFID label, programs the RFID, and verifies the RFID, but is silent to different programming languages from the data stream (extracted).

Hohberger et al. (US 2003/0227528) teaches that a RFID is verified, and attached to a label. Hohberger teaches ZPL s the programming language for the print job, but is silent to data streams having different programming languages (extracted).

Dunlap, Jr., as cited by the Applicant (US 2005/0098620) teaches printing barcodes on a tag.

Frieden et al. (US 6,480,100) teaches organizing and storing data on the RFID tag is a user selected format, but is silent to extracting information from different programming languages.

Maltsev et al. (US 2004/0257203) teaches encoding and printing a barcode of source data, but is silent to extracting from different programming languages.

Allowable Subject Matter

4. Claims 1, 3-4, 6-15, 17-18, 20-21, and 23-32 are allowed.
5. The following is an examiner's statement of reasons for allowance: The prior art of record fails to teach or fairly suggest to one of ordinary skill in the art, in conjunction with all the other limitations of the subject claim(s) and any claim(s) upon which the subject claim(s) depend: that the RFID encoder extracts information from data streams of different languages (re claim 1), that the information for determining whether the RFID label has been properly programmed is extracted from data streams of different programming languages (re claim 15), and that the RFID encoder extracts information from data streams of different programming languages (re claim 27).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Sano et al. (US 2005/0218219), Frieden et al. (US 6,480,100), and Maltsev et al. (US 2004/0257203).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel I. Walsh whose telephone number is (571) 272-2409. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel I Walsh
Examiner
Art Unit 2876
4-11-06

